

Notice of Allowability

Application No.

10/779,682

Examiner

Prabodh M. Dharja

Applicant(s)

ONO ET AL.

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11-08-2007.
2. ☒ The allowed claim(s) is/are 1-3,5 and 7-12.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

1. **Status:** Please all the replies and correspondence should be addressed to Examiner's new art unit 2629. Receipt is acknowledged of papers submitted on 11-08-2007 under amendments, and request for reconsideration, which have been placed of record in the file. Claims 1-3, 5 and 7-12 are pending in this action. Claims 4, 6 and 13-15 are cancelled.

Response to Amendment

2. The amendment filed 11-08-2007 does not introduce any new matter into the disclosure. The added material is supported by the original disclosure. Applicant has amended independent claim 1; adding objected claim 6 and intervening claim 4 limitations to expedite allowability of the instant application. Applicant has cancelled claims 4 and 6; and change dependencies of claims 5 and 9 from cancelled claims 4 and 6 respectively to claim 1.

Applicant has amended independent claim 1; adding objected claim 6 and intervening claim 4 limitations and cancelled claims 4 and 6 to expedite allowability of the instant application. Applicant arguments filed on 11-08-2007, under remark regarding allowable limitations "the threshold voltage obtaining unit obtains a threshold voltage based on potentials of the conductive member at two or more different times after the driver element becomes on-state and before the driver element becomes off-state caused by rising of the potential of the conductive member up to a predetermined potential, and the threshold voltage obtaining unit obtains the threshold voltage, and obtains a mobility in a current passage portion of the driver element and a coefficient according to a shape of the current passage portion" are persuasive; as after further extensive search and consideration, the amended independent claim 1 do overcome

the prior art rejection mailed on 08-10-2007, which puts application number 10779682 in condition for allowance.

Allowable Subject Matter

3. Claims 1-3, 5 and 7-12 are allowed.

4. The following is an examiner's statement of reasons for allowance:

Applicant has amended independent claims 1, 7 and 12 adding allowable limitations to expedite allowability of the instant application and to overcome prior art rejection.

Applicant's arguments filed on 11-08-2007 are convincing. As argued by applicant in remarks under claim rejection page 7, last two paragraphs and page 8, paragraphs 1; prior art of (Hunter et al. (US 2001/0026251) in view of Yumoto (US 2002/0195964 A1) and Oomura; Masanobu (US 6,693,388 B2), with all of the other prior art cited on 892's 1449's, searched in NPL and searched in PG PUB, fails to recite or disclose all the other limitations of independent claims in combination with uniquely distinct features represented by underlined bold claim limitations recited below;

the threshold voltage obtaining unit obtains a threshold voltage based on potentials of the conductive member at two or more different times after the driver element becomes on-state and before the driver element becomes off-state caused by rising of the potential of the conductive member up to a predetermined potential, and the threshold voltage obtaining unit obtains the threshold voltage, and obtains a mobility in a current passage

portion of the driver element and a coefficient according to a shape of the current passage portion.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prabodh M Dharia whose telephone number is 571-272-7668. The examiner can normally be reached on M-F 8AM to 5PM.

6. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231



Prabodh Dharia

Full Signatory Authority Program

AU2629

11-16-2007